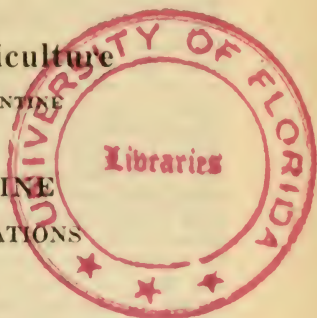


United States Department of Agriculture

BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

MEXICAN FRUITFLY QUARANTINE

REVISION OF QUARANTINE AND REGULATIONS



INTRODUCTORY NOTE

The following revision of Federal Domestic Plant Quarantine No. 64 and regulations supplemental thereto adds a portion of Jim Wells County in Texas to the regulated area; fixes a host-free period from May 1 to August 31, inclusive, of each year, subject to such modifications as to duration and dates of commencement and termination as may be authorized by the Chief of the Bureau of Entomology and Plant Quarantine; designates the insect formerly known as Mexican fruitworm under the more appropriate title of Mexican fruitfly; adds fruits of species of the genus *Sargentia* to the list of hosts; modifies former specific restrictions as to containers; and provides that the Chief of the Bureau of Entomology and Plant Quarantine may specify the conditions and period for the maintenance of sanitary requirements in groves, and may modify, by administrative instructions, any of the restrictions contained in the regulations, other than those pertaining to extension or reduction of the regulated area, when in his judgment such action is necessary to prevent the spread of the Mexican fruitfly.

SUMMARY

These regulations as revised prohibit the interstate shipment of grapefruit, oranges, and all other citrus fruits except lemons and sour limes, from the counties of Brooks, Cameron, Hidalgo, Willacy, and a portion of Jim Wells County, Tex., unless a Federal permit (Form 443) has been issued therefor. The permits may be limited as to destination, and when so limited, are not valid for shipment to other destination points or areas (except to diversion points for diversion to authorized destinations only) (regulation 5 (a)).

Peaches, apples, pears, plums, quinces, apricots, mangoes, sapotas, guavas, nameys, ciruelas, and fruit of species of the genus *Sargentia* are prohibited interstate shipment from the regulated area (regulations 1 (c) and 5 (b)).

There are no restrictions on the shipment of lemons or sour limes (regulation 5 (c)).

Sterilization may be required as a condition for interstate movement of host fruits from defined infested zones (regulation 6 (e)).

A host-free period is to be maintained from May 1 to August 31, inclusive (regulation 7 (sec. A)).

Information relative to the issuance and use of permits is given in regulations 6 and 7.

LEE A. STRONG,

Chief, Bureau of Entomology and Plant Quarantine.

NOTICE OF QUARANTINE NO. 64 (REVISED)

(Approved Oct. 14, 1937; effective Oct. 15, 1937)

I, Henry A. Wallace, Secretary of Agriculture, have determined that it is necessary to quarantine the State of Texas to prevent the spread of an injurious insect known as the Mexican fruitfly (*Anastrepha ludens* Loew), new to and not heretofore widely prevalent or distributed within and throughout the United States.

Now, therefore, under authority conferred by the Plant Quarantine Act of August 20, 1912 (37 Stat. 315), as amended by the act of Congress approved March 4, 1917 (39 Stat. 1134, 1165), and having duly given the public hearing required thereby, I do quarantine the said State of Texas, effective on and after October 15, 1937, and by this Notice of Quarantine No. 64 do order that no fruits of any variety shall be shipped, offered for shipment to a common carrier, received for transportation, or carried by a common carrier, or carried, transported, moved, or allowed to be moved interstate from the said quarantined State in manner or method or under conditions other than those prescribed in the rules and regulations promulgated pursuant thereto or under such modification thereof as may be issued by the Chief of the Bureau of Entomology and Plant Quarantine as hereinafter provided: *Provided*, That the restrictions of this quarantine and of the rules and regulations supplemental thereto or modification thereof as hereinafter provided, may be limited to the areas in the State of Texas now, or which may hereafter be, designated by the Secretary of Agriculture as regulated areas: *Provided further*, That such limitation of the restrictions to the regulated areas shall be conditioned upon the said State providing for and enforcing such control measures with respect to such regulated areas, including the control of intrastate movement of host fruits from such areas, as in the judgment of the Secretary of Agriculture shall be deemed adequate to prevent the spread of the Mexican fruitfly therefrom to other parts of the State: *And provided further*, That, except as to extension or reduction of the regulated area, the Chief of the Bureau of Entomology and Plant Quarantine may modify by administrative instructions any of the restrictions of the regulations supplemental hereto when in his judgment such action is necessary to prevent the spread of the Mexican fruitfly.

Done at the city of Washington this 15th day of October 1937.

Witness my hand and the seal of the United States Department of Agriculture.

H. A. WALLACE,
Secretary of Agriculture.



RULES AND REGULATIONS (SECOND REVISION) SUPPLEMENTAL TO NOTICE OF QUARANTINE NO. 64

(Approved Oct. 14, 1937; effective Oct. 15, 1937)

Regulation 1. Definitions

For the purpose of these regulations, the following words shall be construed respectively to mean:

(a) *Mexican fruitfly*.—The insect known as the Mexican fruitfly (*Anastrepha ludens* Loew).

(b) *Regulated areas*.—The areas in the State of Texas now, or which may hereafter be, designated as such by the Secretary of Agriculture in accordance with the provisos to Notice of Quarantine No. 64.

(c) *Host fruits*.—Fruits susceptible to infestation by the Mexican fruitfly, namely, mangoes, sapotas (including sapodillas and the fruit of all members of the family Sapotaceae and of the genus *Casimiroa* and all other fruits commonly called sapotas or sapotes), peaches, guavas, apples, pears, plums, quinces, apricots, mameys, ciruelas, fruit of species of the genus *Sargentia*, and all citrus fruits except lemons and sour limes, together with any other fruits which may later be determined as susceptible and of which due notice will be given.

(d) *Host-free period*.—A period of time during which no host fruits are produced or permitted to exist within the regulated area, except immature fruit in such stage of development, and mature fruit held or stored under such conditions as are prescribed by the Chief of the Bureau of Entomology and Plant Quarantine, which in his judgment do not convey risk of propagating the Mexican fruitfly.

(e) *Inspector*.—An inspector of the United States Department of Agriculture.

(f) *Moved interstate*.—Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried,

transported, moved, or allowed to be moved from the area designated as regulated in the State of Texas into or through any other State or Territory or District.

Regulation 2. Limitation of Restrictions to Regulated Areas

Conditioned upon the compliance on the part of the State of Texas with the provisos to Notice of Quarantine No. 64, the restrictions provided in these regulations or subsequent administrative instructions on the production or interstate movement of fruit will be limited to fruit produced in or moving interstate from the areas in Texas now or hereafter designated by the Secretary of Agriculture as regulated areas.

Regulation 3. Regulated Area

In accordance with the provisos to Notice of Quarantine No. 64, the Secretary of Agriculture designates as "regulated area" the counties of Brooks, Cameron, Hidalgo, and Willacy in the State of Texas, and that portion of Jim Wells County, Tex., lying south of Highway 141 and a line projected due west to the Jim Wells-Duval County line from the point where Highways 141 and 66 intersect, including all cities, towns, townships, and other political subdivisions within this area.

Regulation 4. Extension or Reduction of Regulated Areas

The regulated areas designated in regulation 3 may be extended or reduced as may be deemed advisable by the Secretary of Agriculture in accordance with the provisions of the Plant Quarantine Act of August 20, 1912, as amended.

Regulation 5. Restrictions on the Interstate Movement of Fruit From the Regulated Area

(a) *Permits required.*—Grapefruit, oranges, and other citrus fruits (except as provided in paragraph (c) hereof) shall not be moved interstate from a regulated area into or through any point outside thereof unless a permit has been issued therefor by the United States Department of Agriculture.

(b) *Movement of noncitrus hosts prohibited.*—Peaches, apples, pears, plums, quinces, apricots, mangoes, sapotas (see regulation 1 (c)), guavas, mameys, ciruelas, and fruits of species of the genus *Sargentia* shall not be moved interstate from the regulated area and no permits will be issued for such movement.

(c) *No restrictions on immune and manufactured fruits.*—No restrictions are placed by these regulations on the interstate movement of lemons, sour limes, or other nonhost fruits, nor on the interstate movement of host fruits which have been manufactured or processed in such manner as to eliminate danger of carrying the Mexican fruitfly.

(d) *Movement through regulated area.*—No restrictions are placed by these regulations on the interstate movement of restricted articles from an area not under regulation through a regulated area when such movement is on a through bill of lading.

Regulation 6. Conditions Governing the Issuance of Permits

Permits for the interstate movement of grapefruit, oranges, and other restricted citrus fruits from the regulated area may be issued upon determination by the inspector that the proposed movement does not involve risk of spread of the Mexican fruitfly. Such determination will be based on compliance with the following conditions:

(a) *Grove inspection and sanitation.*—The grove in which the fruit was produced shall be maintained in compliance with the host-free requirement of these regulations and shall be kept free from drops and windfalls during such periods and time as the Chief of the Bureau of Entomology and Plant Quarantine may direct. Such drops and windfalls shall be buried under at least 18 inches of tamped soil, or otherwise disposed of in manner and method prescribed by the Chief of the Bureau of Entomology and Plant Quarantine. The grove shall further be maintained in compliance with such other requirements as may be enforced by the State of Texas for the suppression of Mexican fruitfly

infestation. Permits may be issued for the interstate movement of fruit produced only in such groves as have been inspected within 30 days prior to the movement of the fruit concerned and have been found free from Mexican fruit-fly infestation.

(b) *Packing house requirements.*—The packer and shipper shall maintain his packing plant in compliance with the sanitation requirements of the State of Texas issued for the suppression of the Mexican fruitfly. The packer shall also maintain a complete record of all receipts and sales or shipments of host fruits, subject to examination by the inspector.

(c) *Applications.*—Persons desiring to purchase, pack, or move grapefruit, oranges, or other restricted citrus fruits interstate from the regulated area shall make application for a permit to the office of the Bureau of Entomology and Plant Quarantine, Harlingen, Tex., as far as possible in advance of the probable date of shipment. Applications shall show the nature and quantity of the fruit it is proposed to move, together with the location at which it will be packed, the name and address of the shipper, and a list of all groves, together with the names and addresses of the owners, from which fruit for packing will be secured. Each applicant shall file with his application a signed statement in which he agrees to notify the inspector of all additional groves from which fruit for packing will be secured, not to pack or ship fruit from any grove until he has received written notification from the inspector that the grove has been maintained in compliance with the regulations issued under this quarantine, and to discontinue packing and shipping the fruit from any grove on notification from the inspector of the discovery of an infestation of the Mexican fruitfly in such grove or adjoining groves or of failure on the part of the owner or manager of such grove to comply with any condition of these regulations.

(d) *Containers.*—Permits will be issued for the interstate movement of only such fruit as is packed in containers customarily used in the regulated area for the commercial shipment of citrus fruits, and which are of such nature as will permit the inspector to identify the contents thereof.

(e) *Sterilization may be required.*—Sterilization of host fruits in manner and by method prescribed by the Chief of the Bureau of Entomology and Plant Quarantine may be required as a condition for the issuance of permits for interstate movement thereof when in his judgment the shipments concerned might involve risk of spread of the Mexican fruitfly.

(f) *Destination limitations.*—Permits may be limited as to destination and when so limited the fruits covered thereby shall not be moved interstate from the regulated area, directly or indirectly, either in the original containers or otherwise, to destinations other than those authorized in such permits, except to the usual diversion points for diversion to authorized destinations only.

(g) *Cancellation of permits.*—Any permits issued under these regulations may be withdrawn or canceled and further permits refused either for any failure of compliance with these regulations or violation of them, or whenever in the judgment of the inspector the further use of such permits might result in the dissemination of infestation.

Regulation 7. Conditions Required in the Regulated Areas

The interstate movement of grapefruit, oranges, and other restricted citrus fruit from the regulated areas under permits issued by the United States Department of Agriculture will be conditioned on the State of Texas providing for and enforcing the following control measures in manner and by method approved by the United States Department of Agriculture, namely:

SECTION A. HOST-FREE PERIOD

A host-free period shall be maintained each year beginning on the 1st day of May and continuing until the 1st day of September, subject to such modification as to duration and dates of commencement and termination as may be authorized by the Chief of the Bureau of Entomology and Plant Quarantine when in his judgment such modification does not involve increased risk of spread of the Mexican fruitfly.

Prior to the commencement of such host-free period each year, all restricted citrus fruit shall be removed from the tree for immediate sale or shipment, or for retention in fly-proof storage approved by the Chief of the Bureau of

Entomology and Plant Quarantine, and all other host fruits shall be destroyed either following removal from the trees or by destruction of the trees themselves.

No host fruits shall be permitted to remain on trees or to exist elsewhere within a regulated area at any time during such host-free period except immature citrus fruits which in the judgment of the Chief of the Bureau of Entomology and Plant Quarantine are not susceptible to infestation by the Mexican fruitfly.

SECTION B. INSPECTION

A system of inspection shall be carried on throughout the year to provide for the efficient enforcement of sections A and C of this regulation, for the prompt discovery of any infestations which occur, and for the enforcement of such conditions in and around citrus groves and packing and processing plants as shall be necessary to prevent the dissemination of Mexican fruitfly through the interstate movement of citrus host fruits.

SECTION C. INFESTED ZONES

Upon the determination of a Mexican fruitfly infestation within a regulated area, which in the judgment of the Chief of the Bureau of Entomology and Plant Quarantine constitutes a risk of spread of such fly, an infested zone shall be designated by the State of Texas subject to approval by the United States Department of Agriculture and all host fruits in susceptible stages of maturity produced within such zone and existing in the regulated area shall be destroyed or processed in such a manner as to render them free from infestation.

Regulation 8. Marking Requirements

Every crate, box, or other container of host fruit moved interstate under these regulations shall have securely attached thereto a shipping permit (Form 443) issued under the provisions of regulation 6, and shall be subject to such other marking as may be required by the inspector.

Each shipment of six or more crates, boxes, or other containers of host fruit moved interstate under these regulations shall, in addition to the shipping permit on each such container, be accompanied by a master permit (Form 515) showing the number of containers and either the license number and destination of the vehicle or the name, number, and destination of the freight car or other carrier, as the case may be.

Regulation 9. Inspection in Transit

Any car, vehicle, basket, box, crate, or other container, moved interstate, which contains or which the inspector has probable cause to believe contains articles the movement of which is prohibited or restricted by these regulations, shall be subject to inspection by inspectors at any time or place.

Regulation 10. Shipments by the United States Department of Agriculture


Articles subject to restriction in these regulations may be moved interstate by the United States Department of Agriculture for experimental or scientific purposes, on such conditions and under such safeguards as may be prescribed by the Chief of the Bureau of Entomology and Plant Quarantine. The container of articles so moved shall bear, securely attached to the outside thereof, an identifying tag from the Bureau of Entomology and Plant Quarantine showing compliance with such conditions.

These revised rules and regulations shall be effective on and after October 15, 1937, and shall supersede the rules and regulations promulgated August 12, 1932, as amended.

Done at the city of Washington this 14th day of October 1937.
Witness my hand and the seal of the United States Department of Agriculture.

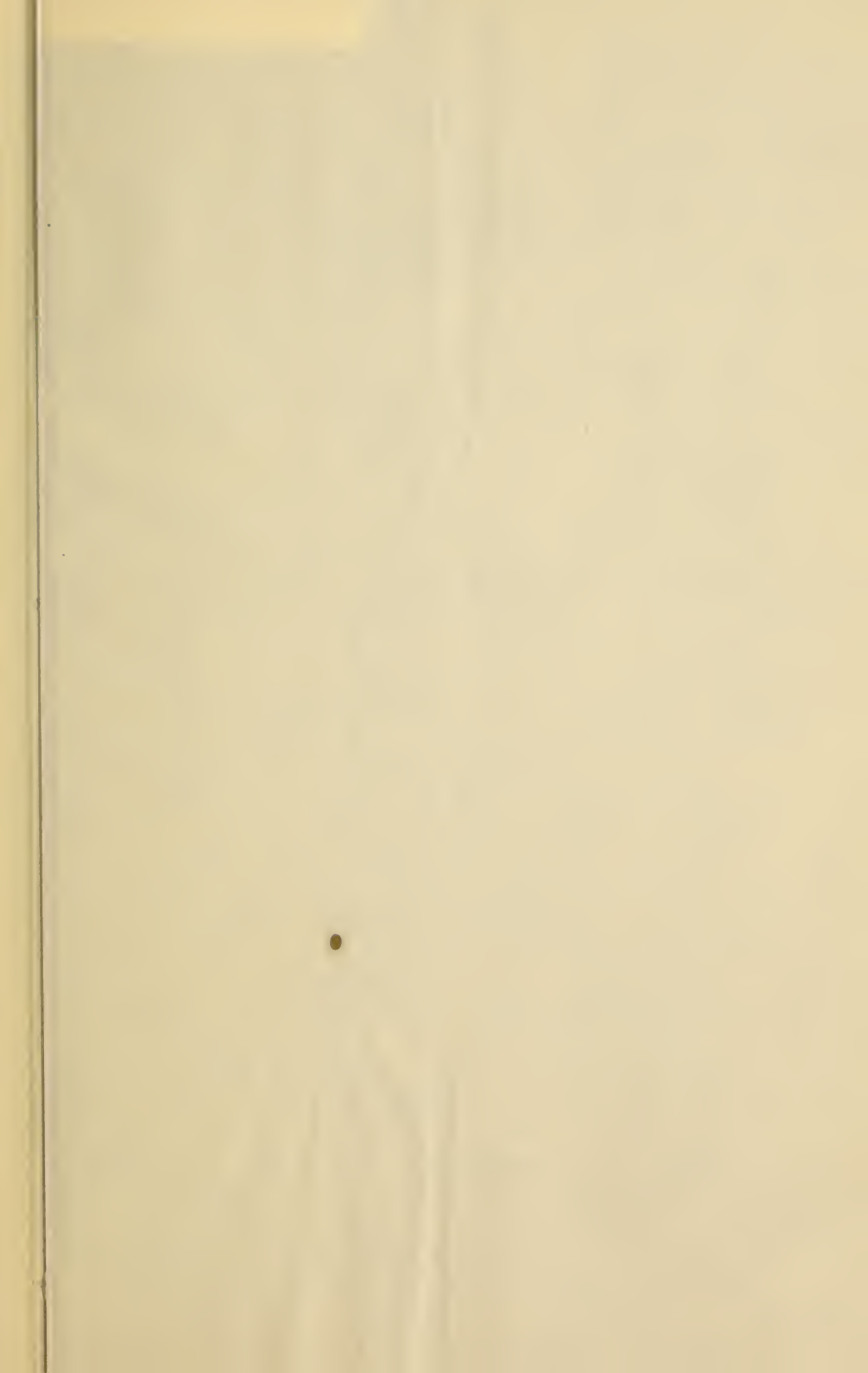
H. A. WALLACE,
Secretary of Agriculture.



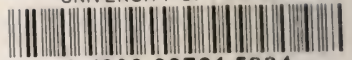


Digitized by the Internet Archive
in 2012 with funding from

University of Florida, George A. Smathers Libraries with support from LYRASIS and the Sloan Foundation



UNIVERSITY OF FLORIDA



3 1262 08721 5934